CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8

I hereby certify that this correspondence (with all attachments) is being deposited with the United States Postal Service with sufficient postage as MAY 1 0 2005 First Class Mail in an envelope addressed to: MAIL STOP ISSUE FEE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on May 5, 2005.

Paul Y. Feng, Reg. No. 35

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.

10/675,324

**Applicant** 

David Cormier et al.

Filed

September 29, 2003

Title

ADJUSTABLE ERGONOMIC KNEE BRACE

Art Unit

3743

Examiner

Shumaya B. Ali

Docket No.:

**ROYCE-66966** 

Customer No.

24201

## TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT AFTER MAILING DATE OF FINAL ACTION OR NOTICE OF ALLOWANCE BUT BEFORE PAYMENT OF ISSUE FEE (37 C.F.R. § 1.97(d))

MAIL STOP ISSUE FEE Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

## Dear Sir:

The documents listed on the enclosed form PTO/SB/08 have come to the attention of the applicant and are submitted to the Office under 37 C.F.R. § 1.97(d). Copies of the cited references are not enclosed, although applicant will produce them upon examiner's request.

This statement is not a representation that all of the information cited is necessarily effective as prior art against the present application or that a prior art search was performed.

The Information Disclosure Statement transmitted herewith is being filed after a final action under 37 C.F.R. § 1.113, or a notice of allowance under 37 C.F.R. § 1.311, whichever occurred first, but before the payment of the issue fee. In accordance with the requirements of 37 C.F.R. § 1.97(d), accompanying this transmittal is a statement as specified in 37 C.F.R. § 1.97(e)(2). The following statement is being made for the Information Disclosure Statement filed herewith.

I, the person signing below, state that no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application and to the knowledge of the person signing the statement after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of the information disclosure statement.

The person making this statement is a person who is substantively involved in the preparation or prosecution of the application, and who is associated with the inventor, with the assignee, or with anyone to whom there is an obligation to assign the application (37 C.F.R. § 1.56(c)) and who signs below.

Applicant submits herewith the fee set forth in 37 C.F.R. § 1.17(p) by attaching a check for \$180.00. A duplicate of this petition is attached. If any additional petition fees are due, the Commissioner is authorized to charge Deposit Account No. 06-2425.

Applicant respectfully requests that the Information Disclosure Statement citations be considered and made of record. It is respectfully requested that the examiner indicate consideration of the cited references by returning a copy of the attached form PTO/SB/08 with initials and/or other appropriate marks.

Respectfully submitted,
FULWIDER PATTON LEE & UTECHT, LLP

By:

Paul Y. Feng

Registration No. 35,510

PYF:gbr

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Customer No. 24201

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PTO/SB/08a (06-03)
Approved for use through 07/31/2003 OMB 0651-0031
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. Applicant's unique citation designation number (optional). See Kinds Codes of USPTO Patent Documents at <a href="https://www.uspto.gov">www.uspto.gov</a> or MPEP 901.04. Enter Office that issued the document, by the two-letter code (WIPO, Standard ST.3). For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS, SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Substitute for form 1449B/PTO					Complete if Known						
					Application Number		10/675,324				
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STATEMENT BY APPLICANT					First Named Inventor	David (	Cormier et al.				
					Group Art Unit 3743						
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Sheet 2 of 2					Attorney Docket Numbe		ROYCE-66966				
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<sup>\*</sup>EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered.

<sup>&</sup>lt;sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 120 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS, SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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<b>TRANSMIT</b>	TAL
FORM	

(to be used for all correspondence after initial filing)

Application Number	10/675,324				
Filing Date	September 29, 2003				
First Named Inventor	David Cormier et al.				
Art Unit	3743				
Examiner Name	Shumaya B. Ali				
Attorney Docket Number	POVCE -66966				

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ENCLOSURES (Check all that apply)									
Fee Transmittal Form  Fee Attached  Amendment / Reply  After Final  Affidavits/declaration(s)  Extension of Time Request  Express Abandonment Request		Drawing(s)  Licensing-related Papers  Petition  Petition to Convert to a Provisional Application  Power of Attorney, Revocation Change of Correspondence Address  Terminal Disclaimer  Request for Refund  CD, Number of CD(s)				After Allowance Communication to TC  Appeal Communication to Board of Appeals and Interferences  Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)  Proprietary Information  Status Letter  Other Enclosure(s) (please identify below):  1. Check for \$180.00 2. Return postcard			
Certified Co Document(s  Response to Incomplete a  Rep 37 C	Remarks  PLEASE UPDATE ATTORNEY DOCKET NO. TO: ROYCE-66966.  Please delete Alan C. Rose (Reg. No. 17,047) from your records. Mr. Rose is deceased.  NEW POWER OF ATTORNEY/REVOCATION FILED 1/6/05								
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT									
Firm Name  FULWIDER PATTON LEE & UTECHT, LLP									
Signature Paul			~						
Printed name	Paul Y. Feng	_	Ū						
Date	May 5, 2005				Reg. No.	35,510			
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Signature

Typed or printed name

Paul Y. Feng

Date

May 5, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.